

The Lancaster News.

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\$1.50 PER YEAR.

CAN SHIP LIQUOR FOR PERSONAL USE

Supreme Court Defines the Webb Law—Enjoins Express Company For Refusing to Make Deliveries in South Carolina.

The following was taken from Thursday's Columbia State: That there is no statute in the state of South Carolina prohibiting the importation of whiskey from another state for personal use and that the Webb act gives the state the right to enact such a statute, if it so desires, is the decision of the supreme court in deciding a case testing the constitutionality of the Webb act, which was passed by Congress, withdrawing the protection of interstate commerce from whiskey shipments from one state to another. The supreme court held that the old dispensary act forbidding the ordering of whiskey for personal use from other states, having been declared unconstitutional, before the passage of the Webb act, could not be vitiated by the passage of the Webb act.

INTENTION OF ACT. "It is not the intention of the Webb act to interfere with the policy of the state in regard to the importation of liquor but merely to provide that the enforcement of a state statute would not be interfered with or hampered by the interstate commerce laws," says the decision.

"In other words, the act in this respect is passive," continues the decision, "while it is incumbent on the state to enact legislation of an active nature if they are desirous of prohibiting the importation of liquors for personal use or other purposes. But even if Congress had undertaken to give validity to an unconstitutional state statute it would have been beyond its powers."

POWER OF LEGISLATURE. "While the legislature can not pass an act, validating the provisions of the dispensary statute which we have declared to be unconstitutional, so as to give it a retroactive effect, it, nevertheless, has the power to adopt a statute with similar provisions having a prospective effect, prohibiting alcoholic liquors from being imported into this state."

"Such a statute would not contravene any provision of the United States constitution. As we have already said, the recent act of Congress divests intoxicating liquors of their interstate commerce character and invests the respective states with power either to prohibit the importation absolutely or allow it only for sale and use through a dispensary. The classification of the counties, so as to allow the sale of liquor in some of them while it is not prohibited in others, would not be violative of section 1 of the 14th amendment to the constitution of the United States which provides that no state shall deny to any person within its jurisdiction the full protection of its laws."

CASE FROM RICHLAND. The case arose in Richland county through W. W. Atkinson bringing a suit to secure an injunction against the Southern Express Company from enforcing its order refusing to deliver shipments of whiskey in South Carolina for personal use. The injunction was granted by the court, the decision being written by Chief Justice Gary and concurred in by Associate Justices Woods, Hydrick and Watts. Associate Justice Fraser says: "I concede that the above statement strongly made is correct, but I dissent from the judgment. The regulation complained of in the petition refers exclusively to interstate commerce, and I think this court has no jurisdiction to interfere."

A test case was brought under the same conditions in Kershaw county and the court granted the injunction in this case on the same grounds as that from Richland.

CAPT. A. H. FOSTER DEAD.

One of Most Prominent and Wealthy Citizens of Union.

Union, May 14.—Capt. A. H. Foster died at his residence here early yesterday morning after a long illness. He was one of Union's most prominent and its wealthiest citizen. He leaves a wife, formerly Miss Hettie Branden, and three daughters, Mrs. L. M. Jordan, Miss Mary Emma Foster and Miss Louise Foster. The interment will take place this afternoon at the Old Presbyterian cemetery. Captain Foster was a member of General Longstreet's command and a captain in the Palmetto Sharpshooters. He was 78 years old.

FOR MEDICAL RESEARCH.

Prisco Woman Gives \$1,000,000 in Memory of Husband.

Berkley, Cal., May 15.—In memory of her husband, who for years had suffered from a malady that eluded medical skill, Mrs. George William Hooper of San Francisco has transferred to the University of California \$1,000,000 for the establishment of an institute for medical research.

In announcing the gift President Wheeler said:

"Mr. Hooper knew he could not be helped, but he hoped that something might be done for others who suffered in the same way."

GAMBLING AND SOCIAL EVIL.

Measure Providing For Controlling Board Attacked as Reactionary

New York, May 14.—A legislative measure providing for a public welfare board to supervise control of gambling and the social evil in New York city was attacked at a hearing before Mayor Gaynor yesterday. Leading social workers expressed their views on the question of withdrawing from the police jurisdiction over the vices named. The bill was passed by the recent legislature as an outcome of the several inquiries into the police situation after the Rosenthal murder last summer. It has not been given executive approval.

John D. Rockefeller, Jr., who is chief supporter of the bureau of social hygiene, protested against the bill through Starr J. Murphy, head of the bureau, who said action should be deferred until after the bureau has completed its investigation of the social evil in Europe and has prepared its data for study here.

The aldermanic police investigation committee and the bureau of municipal research also enter objection. Proper administration by the police rather than a separate board of control, the protesters held, was the solution of the vice situation.

Officers of the citizens' committee, former Mayor Seth Low, favor the bill.

CONVICTED ON SECOND TRIAL.

Quinlan Found Guilty of Inciting Riot in Paterson.

Paterson, N. J., May 14.—Patrick Quinlan, Industrial Workers of the World leader, indicted with William D. Haywood, Elizabeth Gurley Flynn, Carlo Tresca and Adolph Lessig in connection with recent silk mill strike riots, was convicted on his second trial today. The first jury failed to reach a verdict. The jurors today found Quinlan guilty of inciting to riot.

Quinlan's counsel announced that an appeal will be taken which will act as a stay of sentence. The penalty may be from one to seven years in prison.

TOTAL OVER 32 MILLION.

Assessments of Cotton, Oil and Fertilizer Plants.

Columbia, May 14.—Special: The total assessments of the cotton mills for taxation for this year is \$28,516,598, an increase over last year of \$350,000, and the total assessments for the cotton oil mills is \$1,501,425,011, an increase over last year of \$43,950, and the total assessments for fertilizer plants is \$2,230,963, an increase over last year of \$561,620, according to a statement issued today by Comptroller General A. W. Jones. The figures were fixed by the State board of equalization at its meeting here last week.

W. E. GONZALES FOR CUBA?

Believed He Can Get Post if He Wants It.

Washington, May 15.—It is believed here that if Editor W. E. Gonzales, of The Columbia State, can be induced to accept the post of minister to Cuba, that honor will be tendered him by President Wilson. There is little doubt that Mr. Gonzales could have some European mission if he desired it, but it is said that he would not wish to go so far from home. The Cuban mission would have a special appeal for him because of the distinguished connection of his ancestors with the long struggle of the Cubans for liberty.

HOTEL "WINONA" BURNED.

Flames Destroy Laurens Hotel—Total Loss \$7,000.

Laurens, May 14.—The Winona Hotel, owned and conducted by Mrs. Reese, was destroyed by fire this morning at 3 o'clock, together with practically all the furnishings. The building was erected five years ago and cost about \$5,000. Including the furniture, the loss is placed at \$7,000.

Death of a Child.

Special to The News.

Heath Springs, May 15.—Neva Lee Crenshaw, aged eight and one-half years, younger daughter of Mr. and Mrs. E. L. Crenshaw, died Monday night, May 12th, after an illness of more than two weeks, during which time all that could be done by tender hands was done to alleviate her suffering. She was a member of the Presbyterian Sunday school here and a scholar in the public schools. Impressive services were held at the home Tuesday afternoon, in the presence of a throng of friends and sorrowing school-mates, conducted by Rev. T. W. DeVane, assisted by Revs. H. C. Mouzon and J. W. H. Dyches. Interment took place at Salem cemetery. The pall-bearers were Glenn Mackey, Robert Handley, Shala Mobley, Ray Mobley, Waddell Hinson and Claude Mobley.

Japan Confident.

Tokio, May 15.—The Japanese foreign office is optimistic over the outcome of the California alien land controversy. A high official says he expects the countries to reach a friendly permanent solution of the difficulty.

NEW UNIVERSITY WILL OPEN SOON

Methodist Institution in Washington to Begin—Initiation of Work Delayed For Lack of Funds, Will Take Place June 4, Next.

Washington, May 15.—The American University, planned years ago by Methodist Episcopal educators and provided with beautiful buildings and grounds in the outskirts of this city, will be opened formally with a college for graduate study June 4, next. This was decided upon at a meeting of the trustees here yesterday. Forty members of the college, representing nearly every section of the country were present.

Large sums of money were spent in constructing the university buildings and equipping them but the opening has been delayed from time to time because until recently the trustees were without a sufficient income to warrant them in undertaking to operate the institution. A considerable bequest by the late president of the board, Dr. David H. Carroll of Baltimore made the college for graduate study, possible.

The college for the present, the trustees announced, will maintain an institution for research to be operated in connection with the various federal departments and institutions here, will carry on a series of lectures and will support a comprehensive system of fellowships in connection with leading educational institutions of this country and Europe. Several fellowships for foreign study and travel already have been arranged for.

Reports to the trustees showed that the financial resources of the university have been steadily advancing.

PRESBYTERIAN MODERATORS.

Dr. Stone Heads Northern and Dr. Lyons Southern.

Atlanta, Ga., May 15.—Election of moderators by the commissioners of the Northern and Southern Presbyterian churches, with a totally unexpected choice in the case of the former, featured this afternoon's sessions of the Presbyterian Assemblies in session here.

Dr. John Timothy Stone of the Fourth Presbyterian church, Chicago, was elected moderator of the Northern body, and Dr. J. Sprole Lyons, of the First Presbyterian church, Louisville, Ky., was chosen moderator by the Southern organization. All three of the assemblies in session here now have selected moderators, the United Presbyterians taking this action last night when Dr. R. M. Russell, of New Wilmington, Pa., was chosen.

Mrs. S. W. Heath and daughters of Stoneboro are expected tonight for a visit to Mr. W. McD. Brown.

VETERANS' REUNION TO BE HELD MAY 27-29

Elaborate Arrangements Being Made For Entertainment of Confederates at Chattanooga, Tenn.

Chattanooga, Tenn., May 15.—Officers high in the councils of the United Confederate Veterans, as well as representative veterans not so high in rank, are warm in their praise of the arrangements being made for the 1913 reunion in this city May 27-29 and pass the word along to their comrades that a rare treat awaits them when they gather here, surrounded by such historic places as the battlefields of Chickamauga, Lookout Mountain, Missionary Ridge, etc.

Brigadier General John P. Hickman, commanding the Tennessee Division, U. C. V., and therefore grand marshal of the reunion, here has a strong word of commendation for all the arrangements, especially the plans for parades, and more particularly the veterans' parade which is to be kept intact for the Confederate soldiers themselves, so that they will not be overshadowed by other features that have been admitted heretofore. General Hickman wrote as follows to General Chairman Brock:

"As an officer of the association, I can only allow in the veterans' parade what is set out in our by-laws. They provide for the commander-in-chief, his staff, sponsors and maids of honor; the three corps commanders, their staffs, sponsors and maids of honor; the major generals, their staffs, sponsors and maids of honor, with the Confederate soldiers forming each division. After the by-laws were adopted, and by order of Gen. Stephen D. Lee, the Confederate Monumental Association was given a place in the parade. The above will be allowed in the parade, and nothing more."

"Our reunions are held to glorify the Confederate soldiers, and we are, or should be, the attractions; however, for years we have been lost sight of in the shuffle, and our

TORNADO TAKES TERRIBLE TOLL

Destroys More Than a Third of Seward, Neb.—Four Towns Said to Have Been Wiped Out.

Seward, Neb., May 15.—A tornado which took a toll of 10 lives, injured 30 odd persons and destroyed more than a third of this town, occurred shortly before 6 o'clock yesterday evening. Twenty-two residences were destroyed and many more were partly wrecked, but the greater portion of the place did not greatly suffer.

The tornado struck the residence portion of Seward and swept everything in its path. Most of those killed were caught in the wreckage of their homes.

The tornado after passing through Seward continued to the northeast. Reports last night say that the towns of Homare, Lushton, Grafton and McCool Junction were wiped out. Four persons are reported killed at Tomare and several at McCool Junction. Utica was in the path of the twister.

Before the last telephone wire went down an appeal was sent to Lincoln to send physicians and undertakers.

Reports from surrounding sections indicate that the effects of the tornado were felt over a wide range of territory.

The tornado was followed in Seward by a hail and rain storm. Last night the town was without lights.

WILL CALIFORNIA REFUSE TO BE BOUND?

Portion of Governor Johnson's Refusal to Veto Bill Causes Speculation—Ambassador Chinda is Unofficially Notified.

Washington, May 15.—Governor Johnson's decision to sign the California alien land bill despite Japan's protest was unofficially communicated today to Ambassador Chinda with the understanding that Secretary Bryan may later present Johnson's answer officially with such comment as he may wish in behalf of the United States.

When the ambassador has received Bryan's formal communication he will communicate it to the foreign office and receive instructions for the preparation of a rejoinder.

Interest is excited by Johnson's quotation of a portion of the California law which appoints to limit his action so far as it recognizes the Japanese rights to a treaty.

There is speculation as to whether that was intended to foreshadow the refusal on the part of California authorities to be bound by the stipulations of any treaty hereafter negotiated in conflict with the new law.

CRUSHED TO DEATH.

Mr. John Pressly Caught by Belting Is So Badly Mangled That He Dies on Way to Hospital.

A sad accident occurred at the Lancaster cotton mills this morning at about 6 o'clock which resulted in the death of one of the employees, Mr. John Pressly. While engaged in his duties in the card room, his person came in contact in some way with one of the belts attached to a machine, and he was hurled to the ceiling and down again, his body falling on another carding machine. Col. Leroy Springs, the president of the mills and also president of the L. & C. Railroad, had a special train summoned to carry the injured man to the hospital at Chester, but he was so badly injured he died before the train reached there. His family, consisting of a wife and two children, residing at Monroe, were notified of his unfortunate death. Mr. Pressly was about 33 years of age, and came to work in the Lancaster mills about two weeks ago. He was an expert, having been working as a mill employee for 15 years.

TO DISMISS ALL CONSTABLES.

Governor to Dispense With Their Services—Writes to the Chief.

Following the decision of the supreme court, defining the Webb law, the governor yesterday addressed a letter to the chief whiskey constables in the various sections of South Carolina, announcing that they and their men would be dismissed after June 1. It is said that about 250 men will be affected by the action of the governor.

The following letter was addressed to the chief constables:

"Dear Sir: I regret very much to have to inform you that, as a result of the decision of the supreme court in the case of W. W. Atkinson vs. Southern Express Company, testing the validity of the Webb law as applied to this state, I have reached the conclusion that it is absolutely needless for me to continue to employ the services of whiskey constables in this state. Under this decision, for the reasons which are more fully stated this day and filed in my office, I request the resignation of yourself and the men under your effective June 1, 1913. Without the assistance of the courts, I feel that it is useless to try to enforce the dispensary law in this state."

THE CATAWBA RANGERS' FLAG

Mr. G. Wash Williams Talks Interestingly of the Historic Company.

The fact that a flag belonging to a command known as the Catawba Rangers is now in Los Angeles, Cal., in possession of a lady who is anxious to restore it to its rightful owners, has excited much interest in this county, which sent to the front a company by this name. Very few of that gallant body of men are now living, but we had a conversation with one of them, Mr. G. Wash Williams, who was in town Wednesday. Mr. Williams is quite sure the flag was never captured by the enemy, but from the description thinks it altogether probable that it is the flag of his command which he believes was taken by some of Sherman's bummers when they were in Lancaster on the march through the state. He says the words "Victory or Death," were on the old flag. He says when his regiment, 4th South Carolina Cavalry, left for Virginia, he remembers that Mrs. J. Anna Stevens, then Miss Cureton, presented to the regiment or his company, he is not sure which, a flag, and he well remembers her very appropriate speech in making the presentation.

Mr. Williams talked interestingly of the war. He was in Columbia at the time the city was fired by Sherman. He was selected by Maj. Gen. M. C. Butler, after all of his division except the brigade of Brig. Gen. Pierce M. B. Young had evacuated the city, to carry a dispatch back to General Young. That he saw Sherman's men enter the city and that there was no evidence of fire until they marched in and that after that pandemonium broke loose. Mr. Williams says he was captured in February, 1865, by Sherman's men and put in the county jail with a hundred or more Confederate soldiers, among them Mr. John D. McCauley, now deceased, of Winnsboro. That while he was in jail the building was fired while the prisoners were upstairs and when they were brought down the stairway was burning.

Besides Mr. Williams, the members of the company now living from this county, are Samuel F. Massey, J. C. Hudson, Albert L. Hinson. Mr. Burwell N. James of Kershaw county was a member of the company. The late James D. McIlwain was the first captain of the company. The late William J. McIlwain, father of Mr. R. E. McIlwain and Mrs. Carrie S. Green, was the next Captain, who in turn was succeeded by the late Capt. John Cantzon Foster, who was its captain the greater part of, and until the end of the war. The missing flag is now in possession of Mrs. Maud Burgess Thew, Los Angeles, Cal., to whom we have written for particulars as to how she obtained it and all the information she knows about it. In the meantime we would be glad for further information any one can give as to the flag.

Capt. L. C. McFadden of Rock Hill spent yesterday in Lancaster.

BAPTISTS RE-ELECT ALL OLD OFFICERS

Sixty-Seventh Annual Convention Formally Opens at St. Louis.

St. Louis, Mo., May 15.—The sixty-seventh annual convention of the Southern Baptists formally opened this afternoon. The Rev. Edwin Charles Dargan presided. Officers for the ensuing year were re-elected with the exception of the vice presidents. The officers are:

The Rev. Dr. Edwin Charles Dargan of Macon, Ga., president; M. P. Wolf of Dallas, the Rev. A. G. Washburn of McAlester, Okla.; Isaac B. Tigrett of Jackson, Miss., and William Ellison of Richmond, Va., vice presidents; the Rev. Dr. Lansing Burrows of Americus, Ga., and the Rev. Oliver Fuller Gregory of Staunton, Va., secretaries; George W. Norton of Louisville, Ky., treasurer, and William P. Harvey of Harrodsburg, Ky., auditor.

The program provides for three sessions each day, the closing session being next Monday night. The morning session today was given up to missionary matters and the afternoon session to the Laymen's Movement and the young people's work.

TEXAS LEADS.

It is shown in the statistical reports that Texas leads all the states in the convention in the amount of money contributed to both home and foreign missions, giving \$71,000 to home missions and \$86,000 to foreign missions.

Optimism characterized the annual report of the foreign mission board of the Southern Baptist church submitted by Rev. T. B. Ray of Richmond, Va.

"Baptists are awakened to worldwide responsibilities, and at that same time to great opportunities before them in the home land," says the report.

Considerable space is given to conditions in Mexico.

"The year 1912," reports A. N. Porter, in charge of the Southern Mexican Mission, "was one of the most trying in the history of the Mexican people. Thousands of bandits have over-run the rural districts, leaving ruin and distress. Such conditions have made it nearly impossible to do missionary work, except in the cities."

A plea of denominational loyalty is made in the report of the board of home missions, submitted to the Southern Baptist Convention yesterday.

TRIUMPHANT PROGRAM.

"As we contemplate the great problems that the South confronts," says the report, "the negro, materialism, 22,000,000 people not in any religious body, the fearful cheapening of human life, the more than 3,000 churches that have no houses of worship—as we think of these things, we long to be empowered to project a program that shall be positive, courageous, adequate and triumphant."

The home mission board reports that it closed the year's work free from debt. Emphasis of the doctrinal character of Christianity is urged in Sunday school work in the report of the Sunday school board, submitted to the Southern Baptist Convention.

The Sunday school lesson committee's work in this connection and its work in graded lessons for the intermediate department is commended.

ANOTHER FLY DANGER.

Insect Said to Carry Infantile Paralysis Germs.

St. Louis, May 15.—Warning against the fly as the most common cause of infantile paralysis was given by Dr. E. W. Saunders of St. Louis in an address before a medical association here yesterday.

Dr. Saunders traced a connection between infantile paralysis and the raising of poultry and gave this as an explanation why the disease is more prevalent in country and suburban districts than in the crowded part of a city.

While experiments were not complete, he said, yet he was confident that final tests would demonstrate a connection between "limberback" in fowls and infantile paralysis. His theory is that flies carry the germs of infantile paralysis from the carcasses of fowls and possibly from the bodies of hogs and dogs to food.

Dr. Saunders condemned legal protection of the buzzard which he said transmits infectious diseases of live stock.

SENATOR J. HAM'S FIRST BILL.

Illinois Statesman Advocates National Wage Commission.

Washington, May 15.—Senator James Hamilton Lewis of Illinois introduced yesterday as his first bill a measure to establish a national wage commission to provide a system for insuring a minimum wage in all work pertaining to the federal government, public service corporations and all concerns doing an interstate business.

The President would be authorized to appoint a wage commissioner in each congressional district, who would handle appeals charging violation of minimum wage regulations. The bill would appropriate \$500,000 for expenses and salaries of such a commission.